

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD M. McGUCKIN,
Plaintiff,

CIVIL ACTION

v.

**BRANDYWINE REALTY TRUST, and
H. JEFFREY DEVUONO,**
Defendants.

NO. 16-290

ORDER

AND NOW, this 4th day of May, 2016, upon consideration of defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 8, filed March 21, 2016), plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 9, filed April 4, 2016), and defendants' Reply Brief to Plaintiff's Response in Opposition to Defendants' Motion to Dismiss the Complaint (Doc. No. 13, filed April 18, 2016), for the reasons set forth in the accompanying Memorandum dated May 4, 2016, **IT IS ORDERED** that defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendants' Motion to Dismiss which seeks dismissal of plaintiff's claims for unjust enrichment and breach of contract contained in Counts III and IV of the Amended Complaint is **GRANTED**. Counts III and IV of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

2. That part of defendants' Motion to Dismiss which seeks dismissal of plaintiff's claims for age discrimination arising out of his termination from employment by defendants contained in Counts VI and VII of the Amended Complaint is **GRANTED**. Plaintiffs' claims for

age discrimination arising out of his termination contained in Counts VI and VII of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

3. Defendant's Motion to Dismiss is **DENIED IN ALL OTHER RESPECTS**.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.